

HOUSE BILL 1251
By Mumpower

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 51, Part 11, relative to the "Adult-Oriented Establishment Registration Act of 1998" and the determination of what constitutes an adult-oriented establishment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-51-1102, is amended by deleting subdivision (1) in its entirety and substituting instead the following:

(1) "Adult bookstore" means a business which derives at least forty percent (40%) of its gross proceeds from sexually oriented material, devices, or paraphernalia, specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults and such definition includes all items that are sexually oriented in nature regardless of how the establishment markets, advertises, labels, characterizes or sells such items;

SECTION 2. Tennessee Code Annotated, Section 7-51-1104, is amended by adding the following as new subsection:

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(1) In determining whether a particular establishment is an adult-oriented establishment and subject to the regulations of this part, it shall be the duty of the board to make such determination and not the owners or operators of the establishment in question.

(2) If the board and the owners or operators of an establishment disagree as to whether the establishment meets the definition of an adult-oriented

establishment in § 7-51-1102(6) and is therefore subject to the regulations of this part, the county attorney is authorized to institute a suit for declaratory judgment in a court of record in such county and the court shall determine the status of such establishment.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.